IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 1395 of 2005

Between:

1 Smt. M. Sarojinamma, W/o Sri M. Gopaiah,
R/o Eepuripalem Village, Prakasam District.
2 Smt. Rameswara Bhuchandra, W/o Late Sri Subba Rao,
R/o Eepuripalem Village, Prakasam District.

..... PETITIONERS

AND

1 The State of Andhra Pradesh, Represented by the Principal Secretary,
Home Department, Hyderabad.
2 Circle Inspector, Railway Police Station, Bitragunta, Nellore District.
Andhra Pradesh .
3 The Sub-Inspector, Railway Police Station, Bitragunta, Nellore District.
Andhra Pradesh .
4 Sri Yanadi, (Age and Father's name not known to the petitioner Constable,
RPF Railway Police Station, Bitragunta, Nellore District.
5 Sri Yegnaturu (Age and Father's name not known to the Petititoner)
Constable, RPF Railway Police Station, Bitragunta, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, holding the actions of the respondents in trying to interfere with the lives and liberty of the petitioner and her family as illegal and in violation of Art. 21 of the Constitution of India, and consequently direct them not to make attempts to detain them by resorting to illegal means without any sufficient and justifiable cause and pass such other order or orders that this Honorable court feels fit and proper, in the

interests of justice, in the circumstances of the case.

Counsel for the Petitioners: MR.SIVARAJU SRINIVAS

Counsel for the Respondent Nos. 1 to 3: GP FOR HOME

The Court at the stage of admission made the following :

ORDER:

The petitioners state that they have been detained by respondents 2 to 5 on 25-01-2005, physically ill-treated and were left out with a warning to help the police in recovering a sum of Rs.30,000/- said to have been stolen from a passenger in the train between Bitragunta and Chirala. They seek the protection of this Court from interference of respondents 4 & 5.

On behalf of respondents 2 & 3, a counter affidavit is filed. It is stated that the allegations made by the petitioners are false. They also said that in case they intend to proceed against the petitioners, they would do so after registering the case.

Heard learned counsel for the petitioners and the learned Government Pleader for Home.

While the petitioners alleged that they have been picked up by the respondents 2 to 5 and ill-treated, the latter denied the same. It is difficult for this Court to record any finding on such disputed questions of fact. Be that as it may, the liberty of a citizen cannot be violated, except by registering a case, or on receipt of any definite complaint.

The writ petition is disposed of, directing that the respondents shall not interfere with the life and liberty of the petitioners, except where any specific complaint is registered against them, or where any cases are registered. There shall be no order as to costs.

_____

10th February, 2005

Kvrk/Pan

To

1 The Principal Secretary, State of Andhra Pradesh,
Home Department, Hyderabad.

2 The Circle Inspector, Railway Police Station, Bitragunta,
Nellore District, Andhra Pradesh .

3 The Sub-Inspector, Railway Police Station, Bitragunta, Nellore District.
Andhra Pradesh .

4. Two CCs to GP for Home, High Court Buildings, Hyderabad(OUT)

5. Two CD copies.